IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO : 3229 of 1997

Between:

Sk.Meeravali, S/O.Chinna Khasim, aged 36 years
R/o. Kurichedu, Prakasam District.

..... PETITIONER

AND

1. The Managing Director , A.P.S.R.T.C.,
   Musheerabad, Hyderabad.
2. The Regional Manager, A.P.S.R.T.C.,
   Ongole, Prakasam District.
3. The Labour Enforcement Officer,
   Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus directing the respondents herein to absorb the Writ petitioner either as Cleaner or Driver by declaring the in action as being illegal and arbitrary.

Counsel for the Petitioner:MR.V.MALLIK

Counsel for the Respondents: MR.R.M.REDDY (SC FOR A.P.S.R.T.C.)

The Court made the following :

O R D E R:

This writ petition is filed by the petitioner praying for issue of writ of Mandamus directing the respondents to absorb the petitioner either as cleaner or as driver, declaring the inaction as illegal, arbitrary and contrary to the provisions of the Constitution.

2. According to the petitioner he worked as a cleaner in vehicle bearing No.ATR 3466 which was plied on the route between Kurichedu and Sanikavaram under a private owner one Sri D.Swami Subba Rao for a period of more than one year prior to the nationalization, which was effected in the year 1987. It is further stated that the second respondent by letter dated 08.06.1988 has certified the petitioner's services along with others. It is further stated that the petitioner filed W.P.No.6627of 1988 before this Court, which was disposed of on 27.04.1988, with a direction to the respondents to consider the case of the petitioner, but no action has been initiated by the respondents. The petitioner, along with other displaced persons of the same vehicle, filed W.P.No.14305 of 1990, which was dismissed, against which Writ Appeal No.1033 of 1991 was filed and the same was disposed of with certain directions. It is stated that even after the said directions also, the case of the petitioner was not considered. Though the respondent corporation has absorbed the services of the drivers and conductors, the petitioner, who worked as cleaner, was not absorbed. Therefore, the present writ petition.

3. It is also stated that as per the orders of this Court in W.P.No.5186 of 1987 and W.P.No.8040 of 1989, the Corporation is under obligation to absorb one cleaner per two displaced vehicles, and as per which 99 cleaners have to be absorbed in respect of Prakasam District, where 198 vehicles were displaced as a result of

nationalization of the routes. As the petitioner's case was not considered and not absorbed into the Corporation services, the petitioner filed present writ petition.

4. A counter has been filed on behalf of the Corporation disputing and denying the allegations. It is also stated that only a part of the route between Kurichedu and Sanikavaram was nationalized, and therefore, the private operator can operate the rest of the route. Therefore, originally the workmen, who worked on the said vehicle were not considered as displaced workers. But, however, as per the directions of this Court in W.P.No.6627 of 1987, their claims were considered. But, however, the petitioner's case was rejected vide proceedings dated 22.07.1989. Subsequently, the petitioner has filed W.P.No.14305 of 1990, which was dismissed. But in the writ appeal a direction was given to absorb the selected five appellants after obtaining the approval. It is also stated that two drivers and five conductors were identified for absorption, whose names are specified in the counter. They were ordered to be absorbed even as per the writ appeal order. Therefore, the petitioner's case was not considered. As per the scheme of the Corporation, only two drivers and three conductors were identified for absorption. It is also further stated that as eventhough 46 cleaners, as per the circular P-D.No.139/87, dated 29.12.1987 were already absorbed, the petitioner's case was not considered. In any case, it is stated that as the petitioner's case was not directed to be considered as per the Orders of the writ appeal, the petitioner is not entitled for any relief.

5 . From the above rival contentions the issue to be considered is whether the petitioner is entitled to the relief prayed for. It is not disputed that the petitioner worked as a cleaner in respect of a vehicle stated to have been displaced as a result of nationalization, may be part of the route. Though originally the claims of the displaced employees in respect of the said vehicle were not considered, later, as per the direction of this Court their claims were considered. In fact, the Corporation selected two drivers and three conductors, who were directed to be absorbed even by a Division Bench of this Court in W.A.No.1033 of 1991 to which the petitioner is also a party. When once the petitioner's claim was rejected in the said writ appeal, it is not open to the petitioner to re-agitate the said issue alleging that his claim was not considered. By virtue of the Order of this court in writ appeal referred to above, the claim of the petitioner was, in fact, rejected. Therefore, the petitioner is not entitled to any relief.

6. Under the above circumstances, the writ petition is dismissed. No costs.

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S.ANANDA REDDY,J.

Date: 15th September 2004.

*BSB

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Managing Director , A.P.S.R.T.C.,
   Musheerabad, Hyderabad.

2. The Regional Manager, A.P.S.R.T.C.,
   Ongole, Prakasam District.

3. The Labour Enforcement Officer,
   Ongole, Prakasam District.

4. Two CD copies.